

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that the claims now pending in the application are patentable under the provisions of 35 U.S.C. §§ 101, 102, 103 and 112. Thus, the Applicants believe that all of these claims are now in allowable form.

If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Mr. Richard J. McGrath, Esq. at 703-621-7140 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-13 were pending in the present application. This Amendment cancels claims 1-13 and adds new claims 14-26. Therefore, after this amendment of the claims, claims 14-26 are now pending in the application and are submitted for reconsideration in view of the remarks as set forth below. New claims 14, 22 and 25 are based on their original counterparts (claims 1, 9 and 12 as originally filed) and include subject-matter disclosed in the application as originally filed (i.e., published PCT application WO2004/021232) on page 2, lines 25 - page 3, line 8 and Fig. 3. New claims 15-21, 23-24 and 26 correspond to the originally filed claims 2-8, 10-11 and 13.

New claims 14, 22 and 25 now refer to first, second and further subsequent retrieval phases, which are described in more detail in the application on page 2, lines 25 - page 3, line 8 and Fig. 3. In a first retrieval phase the header, the first N characters of the body and a flag indicative of any remaining text characters of the body and/or any attachments are transmitted to the terminal device. The flag indicates the presence of any remaining parts of the message (e.g., text and/or attachments). Consequently after the first retrieval phase, the user has a clear overview regarding which messages have further remaining parts and which messages have no remaining parts. On the basis of the information provided by the flag, the user can effectively decide to retrieve the remaining parts in a second retrieval phase or several subsequent retrieval phases.

Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 3, 11 and under the provisions of 35 U.S.C. § 112, second paragraph as being indefinite. More specifically, the Examiner has objected to the phrase "a further P characters (24)". In response to the Examiner's objections new claims 16, 24 and 25 recite "P" to be an integer number. Support for this claim recitation can be found at least at page 3, lines 14-15 of the application as originally filed. Accordingly, it is respectfully submitted that new claims 16, 24 and 25 should not be rejected under the provisions of 35 U.S.C. § 112, second paragraph as being indefinite.

Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4 and 8-13 under the provisions of 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 6,157,630 (Adler et al, hereinafter "Adler").

The Applicants believe that claims new claims 14-26 are clearly patentable over Adler. Adler discloses a method wherein a server transmits in a first phase header information and a portion of the text of the message to a terminal device (see col. 6, lines 36-50 and Fig. 5, 520 and Fig. 6, 565). Once received by the terminal device, the user can select the "more" command (Fig. 5, 564 and Fig. 6, 675) to provide the next portion of the message via a further (second) retrieval phase. For the convenience of the Examiner, the relevant portions of Figs. 5 and 6 are reproduced below:

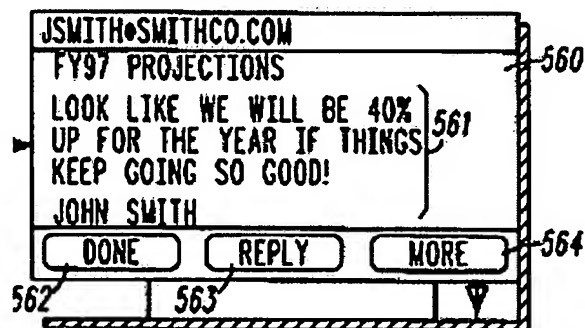


FIG. 5

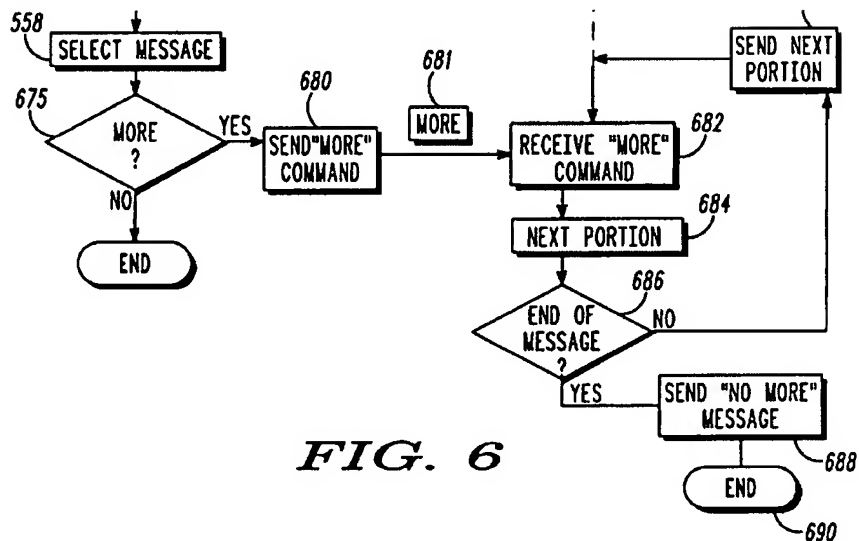


FIG. 6

If the user uses the "more" command 675 and no text is available then an indication that the end of the message 686 has been reached is transmitted to the terminal device (see col. 8, lines 26-30 and Fig. 6, 680-690).

The Applicants respectfully submit that *Adler* does not disclose a first retrieval phase wherein a flag indicative of any remaining text characters of the body and/or any attachments is transmitted to the terminal device. The indication for the user in *Adler* that the end of the message has been reached or that is more text is available is transmitted in a second retrieval phase after the user has selected the "more" command (see Fig. 6, 680-690). Consequently, the method in *Adler* does not provide - in advance - information regarding the remaining parts of the message, and *Adler* does not anticipate new claims 14, 23 and 25. Accordingly, new claims 14, 23 and 25 and their respective dependent claims are novel and patentable in view of *Adler*.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 5-7 under the provisions of 35 U.S.C. § 103(a), as being unpatentable over Adler in view of U.S. Patent Publication No. 2001/0007992 A1 (Nakaoka et al, hereinafter "*Nakaoka*"). *Nakaoka* discloses a method wherein a mail server device (1) transfers e-mails under predetermined conditions to other predetermined e-mail addresses, including the transfer of an e-mail to a mobile phone (8), with limited memory capacity. The e-mail server can be programmed to define a maximum number of characters to be transferred to the mobile phone, to delete any attachments attached to the e-mail and to delete the mail after transfer to the mobile phone (paragraphs [0047] and [0061]-[0065]).

The Applicants respectfully submit that *Nakaoka* does not disclose a first retrieval phase wherein a flag indicative of any remaining text characters of the body and/or any attachments is transmitted to the terminal device so that the user of the terminal device is able to retrieve the remaining parts of the message in a second retrieval phase or several subsequent retrieval phases. In fact, contrary to the claimed invention, *Nakaoka* does not deal at all with retrieval of an e-mail in subsequent parts or "phases" (i.e., phased retrieval of e-mail messages). Accordingly, *Nakaoka* does not teach, show or suggest the phased retrieval of e-mail messages that is missing in *Adler*.

New Claims 14-26 Art Not Obvious In View Of The Cited Prior Art

One of the major differences between new claim 14 and the primary prior art reference, *Adler*, is that the server transmits to the terminal device in a first retrieval phase a header, the first N characters of the message, and a flag indicative of any remaining text characters of the body and/or any attachments. This difference provides the effect that more information regarding the messages is provided in advance to the user (i.e., a portion of the text of the message and information regarding the presence of remaining parts of the message).

The information acquired after the first retrieval phase allows the user to recognize which messages have and which message have no further parts. This way the user can directly decide which messages require further retrieval thereby eliminating the use of a further command (such as the "more" command in *Adler*) to check whether a message contains more text or attachments. The use of the flag thus results in improved handling of information and reduction of valuable transmission time.

Moreover, the flag provides a further advantageous effect over the prior art. When no remaining text or attachments are present, a flag according to claim 1 allows the terminal device to transmit a signal in response the flag that the message can be erased from the server memory if additional mailbox capacity is needed (see page 4, lines 18-25 and page 11, line 26 - page 12, line 4).

The use of a first retrieval phase according claimed invention is neither disclosed nor suggested in *Adler* and *Nakaoka* and produces clear advantageous effects. Accordingly, the Applicants respectfully submit that the subject-matter of new claims 14-26 is novel and not obvious to a person of ordinary skill in the art in view of the cited prior art.

Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, is anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicants also submit that all of these claims now fully satisfy the requirements of 35 U.S.C. § 112.

Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

July 16, 2007



Peter L. Michaelson, Attorney

Customer No. 007265

Reg. No. 30,090

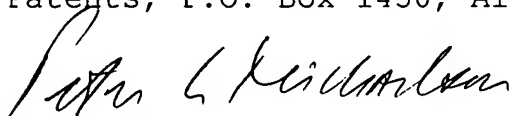
(732) 530-6671

Appl. No. 10/523,879
Amdt. dated July 16, 2007
Reply to Office Action of April 16, 2007

MICHAELSON & ASSOCIATES
Counselors at Law
Parkway 109 Office Center
328 Newman Springs Road
P.O. Box 8489
Red Bank, New Jersey 07701

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **July 16, 2007** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Signature

30,090
Reg. No.